

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas San Antonio Division

Johnny Alvarez

Plaintiff(s)

v.

MG Building Materials, LTD.

Defendant(s)

Civil Action No. **5:24-cv-00400-XR**

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Defendant MG Building Materials, LTD

C/O Texas Secretary of State
James E. Rudder Building
1019 Brazos, Room 105
Austin, Texas 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Douglas B. Welmaker
Welmaker Law PLLC
409 N. Fredonia, Suite 118
Longview, Texas 75601

DRLS - 3930
516 West Annie St.
Austin, Texas 78704

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.


Came to hand on 05-02-2024 @ 8:47 P.M.

CLERK OF COURT PHILIP J. DEVLIN

Date: 05/01/2024



**RETURN
ATTACHED**


Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
for the Western District of Texas
San Antonio Division

Johnny Alvarez, Plaintiff § Civil Action No. 5:24-cv-400-XR
vs. §
MG Building Materials, LTD., Defendant § **PROOF OF SERVICE AFFIDAVIT**

Before me, the undersigned authority, personally appeared Tod E. Pendergrass, to me well known, after being duly sworn, did depose and say:

"My name is Tod E. Pendergrass. I am over eighteen (18) years of age and not a party to or interested in the outcome of this case. I am authorized by Rule 103(2) & (3) of the Texas Rules of Civil Procedure to serve process issued by the Texas Civil Courts and am certified under order of the Texas Supreme Court, Certification No. PSC1660, Exp. 11/30/2025. I am personally acquainted with the facts stated herein and they are true and correct.

Came to hand on May 2, 2024, at 8:47 a.m. Summons in a Civil Action with Plaintiff's First Amended Complaint for service on Defendant MG Building Materials, LTD., and \$55.00 fee payable to the Texas Secretary of State.

Executed on May 2, 2024, at 2:15 p.m., at 1019 Brazos Street, Austin, Texas 78701, by delivering to the Texas Secretary of State, by delivering in person to Michelle Robinson, state agent authorized to accept service of process on behalf of the Texas Secretary of State.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Attempted Service Affidavit and Statement of Service Fees is true and correct."

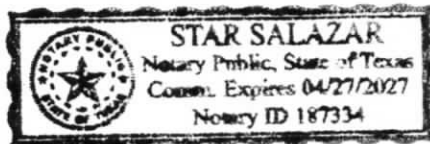
Printed Name: Tod E. Pendergrass

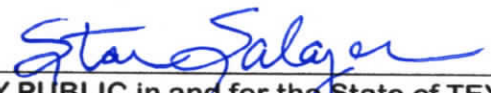
Service Fee \$ 90.00
Secretary of State Fee Paid \$ 55.00


Signature of non-party adult - DRLS
516 W. Annie Street, Austin, Tx 78704
Re: Welmaker/3930

STATE OF TEXAS, COUNTY OF TRAVIS

Before me, a notary public, on this day personally appeared the above-named person, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements/facts therein contained are within his/her personal knowledge to be true and correct. Given under my hand and seal of office on May 3, 2024.




NOTARY PUBLIC in and for the State of TEXAS
[Form Pursuant to FRCP 4(l)(1)]